

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

G & G CLOSED CIRCUIT EVENTS,  
LLC,

Plaintiff,

v.

TOMMY BARKSDALE, et al.,

Defendants.

No. 2:22-cv-2002 DB

ORDER

This civil action has been directly assigned to the undersigned pursuant to the Local Rules, Appendix A(m). On June 16, 2023, the undersigned issued plaintiff an order to show cause as to why this action should not be dismissed due to a lack of prosecution. (ECF No. 11.) On July 7, 2023, plaintiff filed a response stating that a potential issue with respect to service on a defendant had arisen. (ECF No. 12.) Plaintiff requests a brief extension of time to accomplish service. (Id. at 9.)

Rule 4(m) of the Federal Rules of Civil Procedure provides that a defendant must be dismissed if service of the summons and complaint is not accomplished on the defendant within 90 days after the complaint was filed.

Rule 4(m) provides two avenues for relief. The first is mandatory: the district court must extend time for service upon a showing of good cause. The second is discretionary: if good cause is not

1 established, the district court may extend time for service upon a  
2 showing of excusable neglect.

3 Crowley v. Bannister, 734 F.3d 967, 976 (9th Cir. 2013) (quoting Lemoge v. United States, 587  
4 F.3d 1188, 1198 (9th Cir. 2009)). Here, plaintiff has shown good cause.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted a 35-day extension of  
6 time to effect proper service.

7 DATED: October 5, 2023

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

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